

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARLYN DAVID HOGARTH,

Case No. 2:21-cv-251-KJD-EJY

Petitioner,

v.

ORDERCALVIN JOHNSON, *et al.*,

Respondents.

Petitioner Arlyn David Hogarth, a *pro se* Nevada prisoner, has not properly commenced this habeas action by either paying the standard filing fee or filing a complete application for leave to proceed *in forma pauperis* (“IFP”). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254 but he did not pay the \$5.00 filing fee or submit an IFP application.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court, however, may authorize a prisoner to begin a habeas action without prepaying fees and costs if he or she submits an IFP application on the approved form along with the appropriate supporting documentation: (1) a financial certificate signed by an authorized prison official, (2) a copy of the prisoner’s trust account statement for the six-month period prior to filing, and (3) a financial affidavit and acknowledgement signed by the prisoner showing an inability to prepay fees and costs or give security for them. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Petitioner will have 30 days from the date of this order to either pay the \$5 filing fee or submit an IFP application with all required attachments.

IT IS THEREFORE ORDERED:

1. The Clerk of Court is instructed to mail Petitioner a blank form application to proceed *in forma pauperis* for incarcerated litigants with instructions.
2. Within 30 days of the date of this order, Petitioner must file an IFP application along

1 with (i) a financial certificate executed and signed by the petitioner and an authorized
2 prison official, (ii) a financial acknowledgement executed and signed by the petitioner,
3 and (iii) a statement of his inmate trust account for the six-month period prior to filing.
4 Alternatively, Petitioner will pay the \$5 filing fee within 30 days.

- 5 3. Petitioner's failure to comply with this order by (a) submitting a complete IFP
6 application, or (b) paying the filing fee within 30 days will result in the dismissal of
7 this action without prejudice and without further advance notice.

8 DATED: June 16, 2021



10 KENT J. DAWSON
11 UNITED STATES DISTRICT JUDGE
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